

Louisiana Law Review

Volume 14 | Number 1

*The Work of the Louisiana Supreme Court for the
1952-1953 Term
December 1953*

Editorial: The Law School and Legal Education

Paul M. Hebert

Repository Citation

Paul M. Hebert, *Editorial: The Law School and Legal Education*, 14 La. L. Rev. (1953)
Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol14/iss1/11>

This Article is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact kreed25@lsu.edu.

Editorial

THE LAW SCHOOL AND LEGAL EDUCATION

Items of Current Interest

The 1953-1954 session of the Law School opened with a fall enrollment total of 146 students. In the respective classes the distribution is: First year—63; Second year—47; Third year—32; Unclassified—4. These figures represent a 10 per cent increase in the number of students over the 1952-53 total of 132. Of particular significance is the size of the first-year class, which shows an increase of 30 per cent over the previous year; this is accounted for in part by an increasing number of returning Korean veterans who comprise approximately one-third of the class. During the past ten years there has been a great fluctuation in the enrollment, falling from 1941 to 1944 and then rising to the peak of 1947-48 when the veterans swelled the rolls to 368. The present year's total enrollment approaches the normalcy of the pre-war years; this will provide more stable conditions which will be conducive to an orderly reconsideration of the Law School's long-term objectives and services.

During the past academic year 43 students completed the required work for the LL.B. degree; this year the number of graduates will be somewhat smaller, but thereafter it will increase and reflect the higher enrollments in the more recent entering classes.

Calls of commissioned officers to military service continue to interrupt the study programs of individual students. Under present policies the Army calls reserve officers trained under the ROTC programs to active duty without allowing the extensions of time necessary to complete the three year law course. Some branches of the service have permitted students to postpone their military duty until graduation from Law School. The hardship of an interrupted legal education is not only serious to the individuals involved; it also deprives the military services of the opportunity of utilizing such personnel in positions which call for legal training. It is to be hoped that the Department of Defense will develop new policies which will take these factors into consideration because law students who

are commissioned officers continue to face the distinct possibility that they will not be able to complete their law work without interruption.

Among matters pertaining to the faculty may be mentioned: Professor Wex S. Malone has returned from a leave of absence, during which he served as Visiting Professor of Law at Rutgers University. Mr. Malone is offering his regular course in Torts, Workmen's Compensation and Relational Interests. In addition he is directing a workshop seminar for the consideration of comments and casenotes in the course of their preparation for the LAW REVIEW.

The faculty has been augmented by the appointment of Jan Paul Charmatz as Visiting Research Associate Professor of Law and Faculty Editor of the LOUISIANA LAW REVIEW. He comes to the Law School from the Yale Law School where he served during 1952-53 as Visiting Lecturer, teaching principally in the fields of international law and jurisprudence. Mr. Charmatz brings to his work a background of study and experience which will be of particular value to the Louisiana civil law system. A native of Czechoslovakia, he studied at the University of Prague and the University of Paris. He later taught at the University of Prague. More recently he was Professor of Law at the University of Puerto Rico from 1949 to 1951. From 1945 to 1948 Mr. Charmatz was trial attorney and an associate prosecutor on the staff of the Chief of Counsel for War Crimes at Nurnberg, Germany. This fall Mr. Charmatz is teaching the course in Civil Law Property, and, in addition to the faculty editorship of the LAW REVIEW, he will assume the responsibility for the development of a new program of legal research in selected areas of the substantive private law with particular emphasis upon trends and developments in foreign law systems where the civil law prevails.

Professor Joseph Dainow will be away from the University on sabbatical leave during the second semester of this year. He has accepted invitations from the University of Paris and the University of Lyon to lecture under the terms of a Fulbright award. He will spend the summer months of 1954 studying codification movements in the civil code revision program of France and in other selected jurisdictions. He will return to the Law School in September of 1954.

Assistant Professor George W. Pugh has joined the staff

of the Louisiana State Law Institute to complete a number of important special assignments connected with the Code of Practice revision project on which the Institute is now engaged. Mr. Pugh continues to serve as a part-time member of the Law faculty; he is teaching Evidence in the fall semester and he will teach Federal Procedure during the spring term.

Dr. Eric H. W. Voegelin, Boyd Professor of Government, will give a course in Jurisprudence to the first year law students during the second semester. This course offering has been made possible through a cooperative arrangement worked out with the Department of Government and represents part of the Law School's effort to provide a broader approach to the study of law in the initial part of the curriculum.

The fourteenth series of the Edward Douglass White lectures is scheduled for April 21, 22 and 23, 1954, under the joint sponsorship of the Graduate School, the Department of Government and the Law School. The lectures will be delivered by Dean Jefferson B. Fordham of the University of Pennsylvania Law School and they will be centered on selected problems and developments in the area of local government law in which field he is a nationally recognized authority. Dean Fordham served as a member of the Law faculty at L.S.U. from 1940 to 1946, and then at Vanderbilt University, following which he was Dean of the College of Law of Ohio State University.

The Law School's second annual Institute on Louisiana Mineral Law will be held at the Law School on Friday and Saturday, February 12 and 13, 1954. The final program is in course of preparation and will include timely discussion of important current problems by a number of leading lawyers who have broad experience in the law of oil and gas. Joint sponsors of the Institute are the General Extension Division and the Law School Alumni Association. Last spring the Institute was attended by two hundred and twenty-five lawyers. Effort is being made to carry out as many as possible of the suggestions that were invited from last year's participants so as to provide the most useful kind of program for the lawyers of Louisiana.

The Law School is continuing its efforts to provide for the legal profession an organized program of post-admission legal education in selected areas of the law. An advanced seminar in problems under the Workmen's Compensation Act is being projected for January of 1954. The seminar will be conducted

by Professor Wex S. Malone and will consist of a series of weekly meetings participated in by members of the bar. Last year short courses in Labor Law and in Estate Planning were well received in the areas where they were made available, and this reception prompts further planning and experimentation along similar lines to develop additional services of interest to the bar.

This year's finals in the Robert Lee Tullis Moot Court Competition were held at the Law School on November 7, 1953. The arguments were conducted before a panel of judges consisting of three members of the Supreme Court of Louisiana, including Chief Justice John B. Fournet, and Associate Justices Hamiter and Moise. Trial arrangements were handled by the Senior Moot Court Board, with Robert Guillory as the Chairman and Professor Dale E. Bennett as Faculty Advisor. The winning team chosen on the basis of the effectiveness of presentation in the briefs and in oral argument was composed of N. Cleburn Dalton and Frank Peragine who were selected over the other finalist team composed of John B. Knight and William G. Kelly, Jr. This winning team, with the addition of William G. Kelly, Jr., represented the L.S.U. Law School in the Regional Trials of the National Inter Law School Moot Court Competition, which was held at Austin, Texas, on November 20 and 21. This team won first place in the oral argument and was separately adjudged as being the team filing the best brief. They will represent the Law School in the National Finals to be held in New York City on December 18 and 19.

Induction ceremonies of The Order of the Coif were conducted on May 6, 1953, with four of the leading members of the senior class being cited for membership. The Order of the Coif is a national honorary law society and has as its purpose the stimulation and recognition of scholarly work of the highest order and professional conduct of the highest standards. Selected by the faculty for this high honor from the upper ten per cent of the senior class were:

Winfred Boriack of Riesel, Texas

William H. Parker of Shreveport, Louisiana

Robert Roberts, III, of Shreveport, Louisiana, and

John C. Wagnon of Farmerville, Louisiana.

Selected as an honorary member was Mr. Ben R. Miller of the Baton Rouge Bar, and alumnus of the L.S.U. Law Class of

1927. Mr. Miller was cited for his work as President of the Baton Rouge Bar Association as a result of which the group received the American Bar Association's award of merit in 1950 as an outstanding local bar association, and for his professional contributions to the work of the Law School and to the legal literature of Louisiana. In his address, "Continuing to Keep the Law Alive," Mr. Miller emphasized the responsibility of law schools and lawyers to keep themselves alert and progressive in their concepts of the law and its functions.

Legal Education at L.S.U.

The foregoing sketch of current news of the Law School would be incomplete without reference to the relationship of the constituent parts to the sum total of the Law School's work and mission. In a recent report to the President of the University, I pointed out that there should be constant and continuing recognition of the manifold functions of the Law School as embracing: (1) the basic training of candidates for admission to the legal profession and the training of potential future leaders in public affairs; (2) the fostering of advanced graduate studies in selected areas of the law in keeping with faculty resources and interests; (3) the encouragement and sponsorship of individual and organized faculty research in various fields of the law; (4) the maintenance of effective cooperation with the profession and the organized bar, including the sponsorship of programs of post-admission or continuing legal education; (5) continued contributions by the faculty to the discharge of special responsibilities in the study and the teaching of the unique civil law system of Louisiana. In these mentioned areas, the Law School should strive for excellence, with a balanced program in each sphere of activity.

There is much "ferment" in legal education these days, as reported by Dean Harno in his book "Legal Education in the United States."¹ The incidents of self-evaluation and educational experimentation are not only significant in themselves, but they have also resulted in substantial improvements being achieved. These observations are likewise reflected in the programs of the L.S.U. Law School during the past twenty years, with considerable movement and experimentation, and much in the way of concrete gains. Under Dean Beutel's leadership

1. Harno, *Legal Education in the United States* 180 (1953).

in 1935, the faculty was augmented, the course offerings were expanded and a broad conception of the possibilities of legal education of an enlarged scope found recognition and official support. The law faculty, in the intervening years, has been constant in its efforts to improve the processes of legal education, and the curriculum as it exists today is far different from the more limited course offerings of two decades ago. The impact of the developments in the public law field finds itself reflected in courses of labor law, federal, state and local taxation; international law, local government law, estate planning, government regulation of business, legislation and administrative law, all of which constitute separate subjects unknown to the law curriculum of a generation ago. Equally important have been the extended subject matter realignments and additions in courses in the private substantive and procedural law. Specific attention has been given to the necessity of acquainting students with the history, organization and ethics of the legal profession and effort has been made to broaden course offerings in cultural areas of the law. The past two decades have witnessed the founding of the LOUISIANA LAW REVIEW, now in its sixteenth year, the expansion of the research facilities of the Law Library to the present extensive collection of 88,000 volumes, and the general strengthening of the manifold facets of the Law School's work. During this period, the Louisiana State Law Institute has been established and developed, and the Law School has participated extensively in all cooperative projects which the Institute has sponsored. The resources of the Law School in personnel and in programs make the school a valuable center of professional activity and a focal point through which the broader objectives outlined above may be discharged with a continually increasing effectiveness by keeping alive the spirit of experimentation or "ferment" to which Dean Harno refers in his appraisal of trends in legal education.

The Dean of the Harvard Law School recently indulged in a number of prophecies as to the future of legal education in America.² Among other things he emphasized that as the subjects handled and considered by lawyers and the legal problems to be placed before them for solution are certain to be

2. Griswold, *The Future of Legal Education*, University of Chicago Conference Series No. 11, pp. 99-110, one of the addresses delivered at the Conference on the Profession of Law and Legal Education, Dec. 4, 1952.

different from what they are now, the law schools cannot place exclusive emphasis on the law as now is, but must teach students "how to go about getting to the bottom of a subject with which they have had little previous contact." He pointed out the multiplication of cases will lead to renewed emphasis on theory which for common law jurisdictions will "result in a more generalized approach toward law, bringing our system closer to the civil law system, derived from the Roman law, though without anything like an abandonment of the common law approach." He predicted that experimentation with bridging the gap between the practice and the law schools would continue with some gains made, but without solutions satisfactory to everyone; that the trend in method will be away from mass instruction toward more individualized student work in seminar courses; that opportunities for the employment of persons with legal training will increase in the next fifty years; that there will be substantial developments in the research activities of law schools; that law schools will become much more than they have been as centers for legal development and law reform; and that law schools will become better agencies for services to their graduates, to other lawyers and to the general public. Dean Griswold's summation is truly indicative of areas of possible future developments in systems of legal education which will inevitably continue to change in the years immediately ahead.

Giving recognition to the broad potentialities for further developments in the field of legal education at the L.S.U. Law School, the Board of Supervisors, acting upon the recommendation of the President of the University, has constituted a special study committee to survey further opportunities in the light of the present status of the Law School's work. The committee, composed of representatives of the Board of Supervisors, representatives from the practicing profession, and representatives from the faculty, has begun its survey and has held a number of meetings. The committee will work closely with the faculty of the Law School, in the re-definition of long-term objectives for the Law School, and will attempt to formulate specific recommendations that are in keeping with movements in legal education in leading law schools throughout the nation. It is not too much to expect that out of the deliberations of the extended study envisioned for the committee the sound basis will

be laid for transition to added areas of service and responsibility in the cause of legal education in Louisiana.

November 23, 1953

Paul M. Hebert
Dean